

Notice of Abandonment

Application No.

10/618,124

Examiner

Gary E. Elkins

Applicant(s)

STEWART, DANIEL ROY

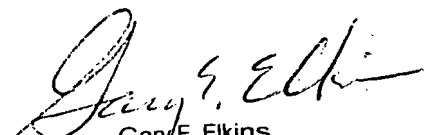
Art Unit

3782

The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 March 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Gary E. Elkins
Primary Examiner
Art Unit: 3782

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Notice of Non-Responsive Amendment

1. The reply filed on 12 December 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the marked-up copy of the specification submitted 28 August 2006 does not accurately set forth the additions and deletions as compared to the original specification. For example, on page 11, lines 4, 10 and 13 under the Brief Description of the Several Views, "FIG.1" was not in the originally filed specification and is not underlined, "and" is underlined as an addition, but is present within the original specification and "attachments" was not present within the original specification and thus should have been underlined as an addition, respectively. The marked-up copy of the newly submitted specification should be carefully reviewed to make sure that all additions and deletions as compared to the original specification are being properly shown and in compliance with the requirements regarding substitute specifications. Entry of the substitute specification as well as providing a proper response to the Notice of Non-Compliant Amendment mailed 01 August 2006 is dependent upon the filing of an accurate marked-up copy. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**



Daniel R. Stewart
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March 29, 2007

Certificate of Mailing

I hereby certify that this correspondence and attachments will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450
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Attention; Examiner Gary E. Elkins
Art Unit 3727 Technology Center 3700

Applicant

A handwritten signature in black ink, appearing to read "Daniel R. Stewart", written over a horizontal line.

Daniel R. Stewart

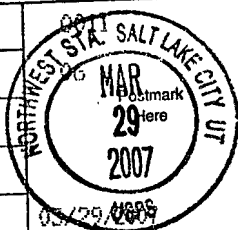
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817 SIMMONS AVE
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84116





~~✓~~ DOCUMENTS MAILED MARCH 29, 07

☐ COVER LETTER 1

☐ CERTIFICATE OF MAILING 1

D CORRECTED 15
MARK-UP OF
SPECIFICATION

TOTAL 17



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Record Restored on 09/20/2007			
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